

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNATHAN SMITH,

Defendant.

2:09-CR-0487-LDG (LRL)

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on February 7, 2011, defendant JOHNATHAN SMITH pled guilty to Counts Two through Seven of a Seven-Count Superseding Indictment charging him in Counts Two, Three, and Five with Distribution of a Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C); in Count Four with Distribution of a Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B); and in Counts Six and Seven with Felon in Possession, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

This Court finds that defendant JOHNATHAN SMITH agreed to the forfeiture of property set forth in the Forfeiture Allegations of the Criminal Indictment.

This Court finds that, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegations of the Superseding Indictment and the offenses to which defendant JOHNATHAN SMITH pled guilty.

1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section  
 2 924(d)(1), (d)(2)(C), (d)(3)(B) and Title 28, United States Code, Section 2461(c); Title 21, United  
 3 States Code, Sections 853(a)(1) and (a)(2); and Title 21, United States Code, Section 881(a)(11) and  
 4 Title 28, United States Code, Section 2461(c):

- 5 a. an RG Model 14, .22 caliber revolver, serial #388013, and any and all related  
 6 ammunition;
- 7 b. a Cobra Model FS 380, .380 semi-automatic pistol, serial #FS009345, and any  
 8 and all related ammunition;
- 9 c. a Savage Model 10, .308 caliber rifle, serial #G050838, and any and all related  
 10 ammunition; and
- 11 d. an in personam criminal forfeiture money judgment of \$1,270.00 in United  
 12 States Currency.

13 This Court finds the United States of America is now entitled to, and should, reduce the  
 14 aforementioned property to the possession of the United States of America.

15 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
 16 United States of America should seize the aforementioned property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
 18 JOHNATHAN SMITH in the aforementioned property is forfeited and is vested in the United States  
 19 of America and shall be safely held by the United States of America until further order of the Court.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
 21 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
 22 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state  
 23 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state  
 24 the name and contact information for the government attorney to be served with the petition, pursuant  
 25 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).  
 26 . . .

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that a petition, if any, must  
2 be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that a copy of the petition, if  
4 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
5 following address at the time of filing:

6 DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney  
7 MICHAEL A. HUMPHREYS  
Assistant United States Attorney  
8 Lloyd D. George United States Courthouse  
333 Las Vegas Boulevard South, Suite 5000  
9 Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the notice described  
11 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate  
12 agency following publication of notice of seizure and intent to administratively forfeit the above-  
13 described asset.

14 DATED this 18 day of Feb, 2011.

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UNITED STATES DISTRICT JUDGE  
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